

**ZB# 96-41**

**Thomas Nucifore**

**78-7-3**

Prelim.

Sept. 9, 1996  
Cancelled to  
10/28

October 28, 1996

(Need Amended WOD)

Deed/Title 4

Photos 4

Fees laid 4

Notice to Payer on 12/19/96.

1/1/97.

Public Hearing:

Jan. 13, 1997.

NO SHOW -

No hearing held  
~~2. 11. 97 on 1/10/97.~~

Public Hearing:

Feb. 24, 1997.

Area Varance

Granted

Refund: \$194.00

#96-41- Nucifora, Thomas  
area 78-7-3.

TOWN OF NEW WINDSOR

555 Union Avenue  
New Windsor, NY 12553

## General Receipt

10010

December 4 1976

Received from

Thomas C. & Betty J. Neufeld \$ 50.00

Party and Wife

DOLLARS

For

Donation for # 41-41

### DISTRIBUTION.

FUND	CODE	AMOUNT
10010		50.00

By

Lois H. Hines

Town Clerk

TITLE

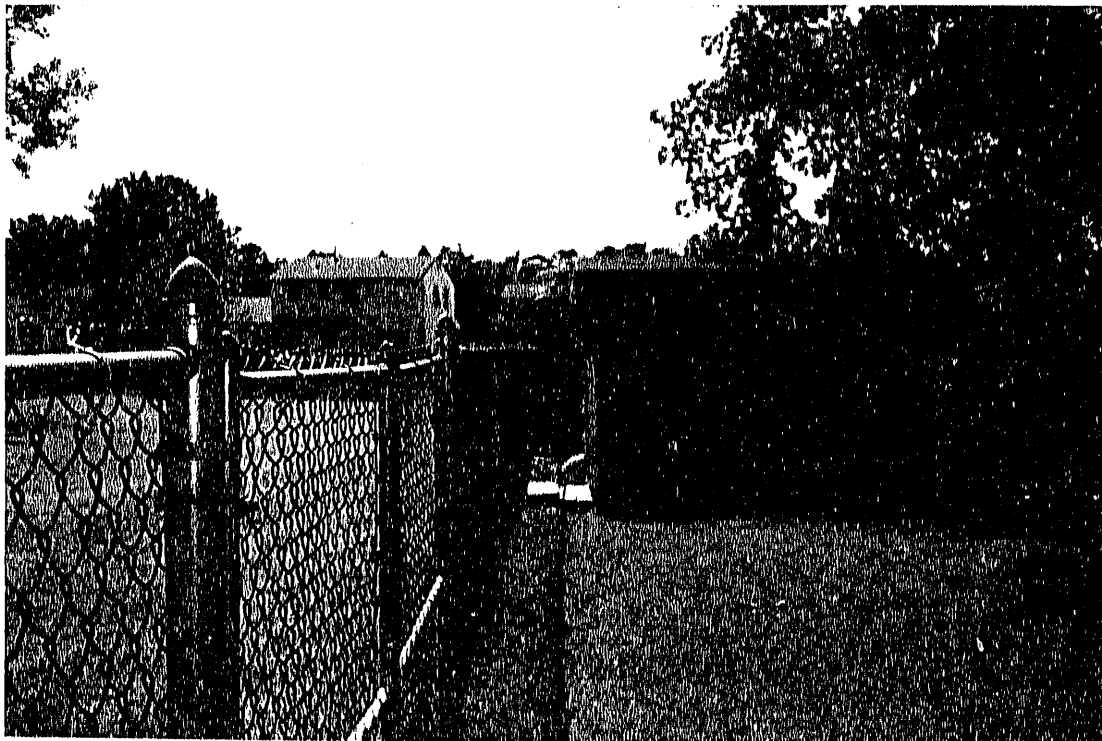
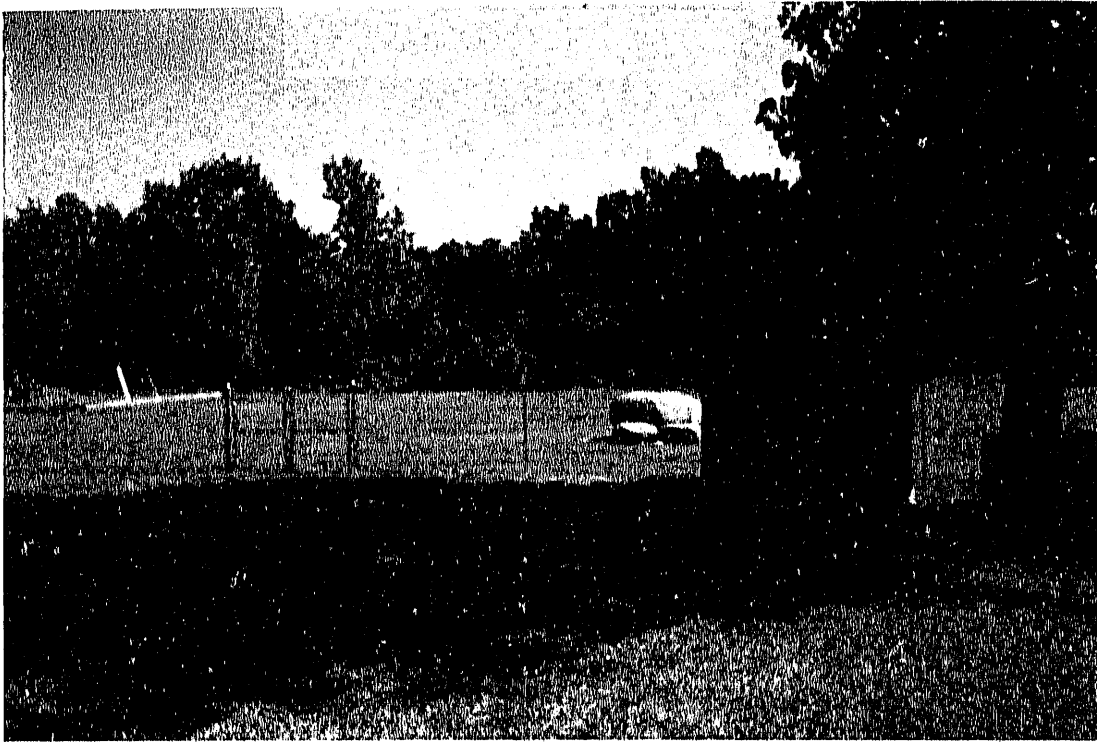
WILLIAMSON-JAW-BECK CO. WINDSOR, NY 12553

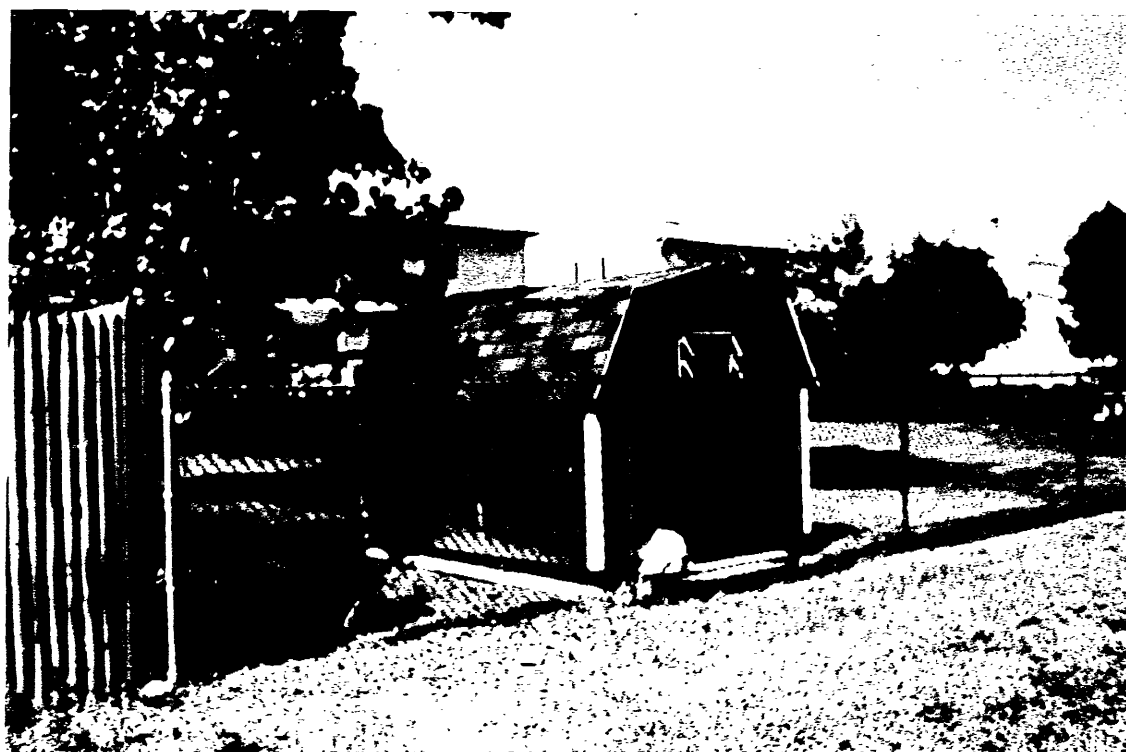
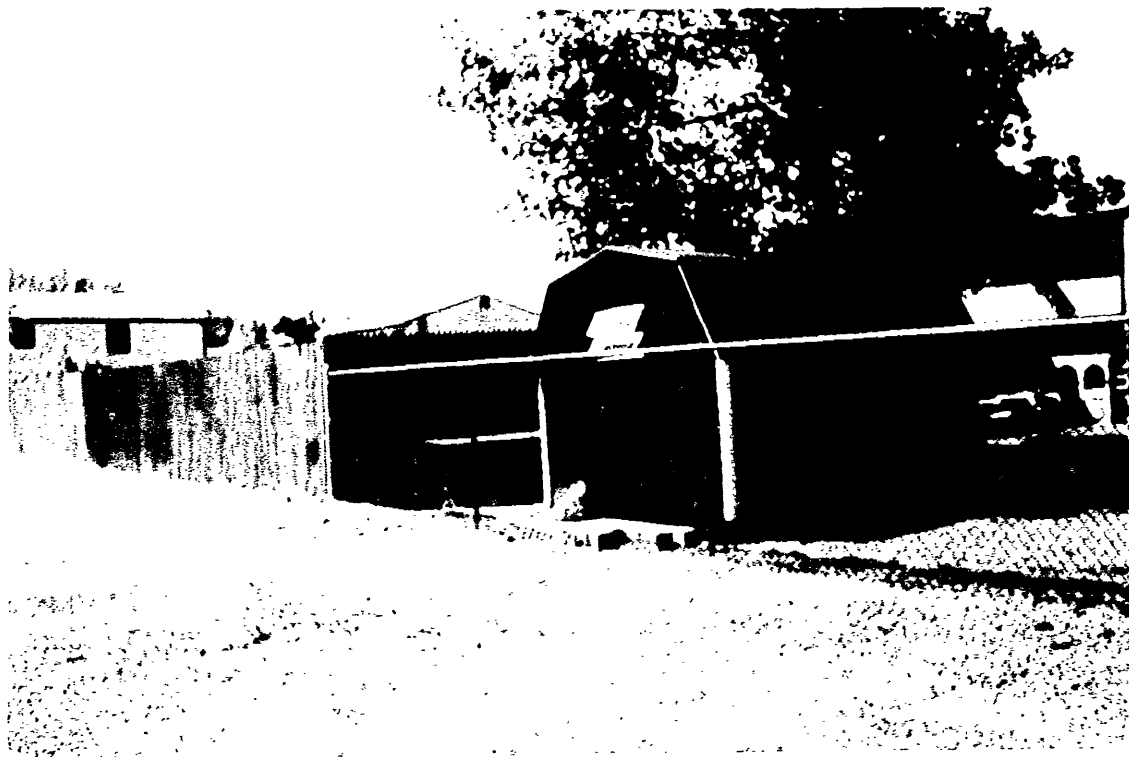


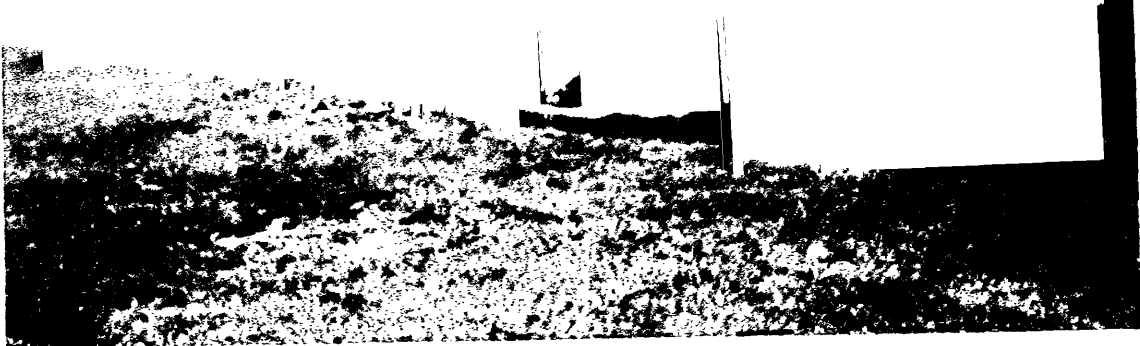
FUND	CODE	AMOUNT
CD 3707		3900

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

By Dorothy N. H. H. H. H.  
Town Clerk  
 TITLE







11/10 11:00  
area 78-7-3.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Nucifora, Tom.

FILE # 96-41.

RESIDENTIAL: \$ 50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE . . . . . \$ 50.00

\* \* \* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 10/28/96 - 5 pages \$ 22.50  
2ND PRELIM. MEETING - PER PAGE 2/24/97 - 3 " \$ 13.50  
3RD PRELIM. MEETING - PER PAGE . . . . . \$  
PUBLIC HEARING - PER PAGE . . . . . \$  
PUBLIC HEARING (CONT'D) PER PAGE . . . . . \$

TOTAL . . . . . \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: . . . 10/28/96 \$ 35.00  
2ND PRELIM. . . . 2/24/97 \$ 35.00  
3RD PRELIM. . . . . \$  
PUBLIC HEARING . . . . . \$  
PUBLIC HEARING . . . . . \$

TOTAL . . . . . \$ 70.00

MISC. CHARGES:

TOTAL . . . . . \$ 106.00

LESS ESCROW DEPOSIT . . . \$ 300.00  
(ADDL. CHARGES DUE) . . . \$  
REFUND DUE TO APPLICANT . \$ 194.00

(ZBA DISK#7-012192.FEE)

*Paid*  
*CK # 3708 -*  
*12/9/96.*  
  
*Paid - # 3709 -*  
*12/9/96.*

Approved: Patricia A. Bonhart  
ZBA



Date 1/26/97, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Drive DR.  
New Windsor Ny 12553

B		CLAIMED	ALLOWED
197	Planning Board Mtg.	75 00	
	Misc - 3		
	Tarsis - 6		
	Arnoia - 13		
	Lam - 4		
	Andrews - 3		
	Nucifora - 2		
	Prudenti - 4		
	<u>35 pgs</u>	157 50	
		232 50	

January 13, 1997

28

NUCIFORE, THOMAS

MR. NUGENT: Request for 8 ft. rear yard variance for existing shed at 77 Cremery Drive in a CL-1 zone. No one is here, so we'll leave it to the end, if he shows up, and we'll go on to number 6.

NUCIFORE-CONTINUED

MR. NUGENT: We have five formal decisions.

MR. KRIEGER: I think as to Nucifore, leave that, what we should do is note for the record that there's obviously nobody here, even though the notices were sent out cause there's obviously nobody here who's interested so.

MR. NUGENT: Still got to reapply.

MR. TORLEY: Can we open and close a public hearing?

MR. KRIEGER: You can open it but you can, well--

MR. TORLEY: Point is if we don't do anything means he's got to start over from scratch.

MS. BARNHART: He's got to notify people anyway in the paper.

MR. TORLEY: No, opening the public hearing they were notified now.

MR. KRIEGER: If he were here and if he were here physically, you can open it and leave it open and you can wait for the next time and continue it, but the essential ingredient for doing that his physical presence, his physical presence or some satisfactory explanation for his absence, you have got to have something, you can't have just silence.

MR. NUGENT: He's not here, he's out, start over again.

In the Matter of the Application of

**THOMAS NUCIFORE**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#96-41.

**WHEREAS, THOMAS NUCIFORE, 77 Creamery Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for an 8 ft. rear yard variance for an existing shed located at the above residence in a CL-1 zone; and**

**WHEREAS, a public hearing was held on the 24th day of February, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared before the Board on his own behalf for this Application; and**

**WHEREAS, there were no spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in favor of or in opposition to the Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
  - (a) The property is a one family home located in a neighborhood of one family homes.
  - (b) When the shed was constructed it was mistakenly constructed too close to the boundary line with a property owned by the Town of New Windsor.
  - © The property containing the shed is fenced with a 5 ft. chain link fence.
  - (d) No trees or shrubs were removed to construct the shed.

(e) The shed has not created or added to any existing drainage nor does it cause the ponding of water or interfere with the collection of drainage water.

(f) There are other similar sheds in the neighborhood.

(g) The shed does not interfere with any traffic sight lines.

(h) The shed is located in the most out of the way place it could be placed on the property near a large tree which helps to conceal it.

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted due to the peculiar nature of the property and that the location of the existing structure will enhance rather than detract from the value of the property.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed for the reason that a shed is a permissible accessory structure and it is located on the premises in the least intrusive place possible due to the nature and location of the property.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

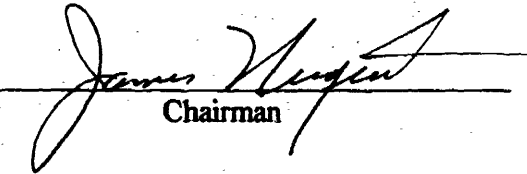
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an 8 ft. rear yard variance for an existing shed located at the above-referenced property in a CL-1 zone as sought by the Applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 14, 1997.

  
Chairman

Date 3/4/97, 19.....

## TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553TO Frances Roth 147 Sycamore Dr DR.  
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
2/24/97		Zoning Board Mtg	75 00	
		Misc - <del>34</del>		
		Pellegrino - 3		
		La Martere - 6		
		Man 9-17		
		Pizzo - 10		
		Nucifora - 3 #13.50	193 50	
		43		
			268 50	

NUCIFORE, THOMAS C.

Mr. Thomas Nucifore appeared before the board for this proposal.

MR. NUGENT: Request for 8 ft. rear yard variance for existing shed at 77 Creamery Drive in a CL-1 zone.

MS. BARNHART: There's nobody here.

MR. NUGENT: Let the record show that there's no one in the audience. Tell the board what you want to do and why you want to do it.

MR. NUCIFORE: Well, I installed the shed on the property some time ago, I really don't recall now maybe about a year ago or 14 months ago and apparently misunderstood the directions that I had received when I called thinking that I had to keep the place, the shed ten feet from my neighbor's line which I did not realizing that my neighbor was also Town of New Windsor because they owned that large field that is behind my home. And I placed the shed 2 feet from the town line that is behind my home. That is why I am asking for this variance of eight feet. The shed is as I stated at the last time I was here the shed is tastefully done, it was pre-constructed, well maintained, the entire, my entire property is fenced with a five foot chain link fence so that no children would come near it. There's not going to be anybody playing near it and it's in the far corner of my property that is really not seen by the public. I have not had any objections from any of my neighbors and in notices that we sent out no one's even attempted to contact me.

MS. BARNHART: For the record, Mr. Nucifore, I have an affidavit of service here stating that we did send out on January 23, 1997, 55 notices and we didn't get any response.

MR. NUCIFORE: Okay, so I would appeal to you to grant this variance for me just so I don't have to go through and relocate the shed because my plans are for this summer to put a pool in and if I have to move the shed eight feet in, I'm going to lose that flexibility to



install a pool on the rear of my property.

MR. KANE: Mr. Nucifore, did you cut down any trees or shrubs to put this shed up?

MR. NUCIFORE: No.

MR. KANE: Have you created any kind of drainage or water hazards in placing this shed?

MR. NUCIFORE: No.

MR. KANE: Is this shed consistent with other sheds in your neighborhood?

MR. NUCIFORE: Yes.

MR. TORLEY: There's no problem with the traffic sight lines, et cetera?

MR. NUCIFORE: Oh, no, it's far in the back.

MS. OWEN: Are there any easements in the back of the property where the shed is?

MR. NUCIFORE: I don't know what you mean, it's a big football field.

MR. TORLEY: Sewage easements?

MR. NUCIFORE: No, not that I am aware of.

MR. KRIEGER: On the property where the shed is?

MR. NUCIFORE: No, nothing like that.

MR. TORLEY: So to the best of your knowledge, there are no easements or deed restrictions that bar you from using that shed?

MR. NUCIFORE: No.

MR. KANE: Even though this is a self-created hardship it would be a financial drain for you to take this shed apart and move it?

MR. NUCIFORE: Well, I'd have to duplicate my costs, it's going to double my costs from prohibiting me from making another improvement I want to make this year.

MR. KRIEGER: Would it be fair to say the shed is in the most out of the way place on the property?

MR. NUCIFORE: Yes, it is, it's in a corner, it's near a rather large tree which also helps conceal it plus the, on the property next to mine, I guess it would be on the, I guess I could say the west side has actually a 6 foot wooden fence that you really can't even see through so there's like prohibitive viewing.

MS. OWEN: I make a motion to approve the variance.

MR. KANE: Second the motion.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. NUGENT	AYE

*to publish on or before 1/30/97. Send bill to: Applicants @  
below address.*

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the  
TOWN OF NEW WINDSOR, New York, will hold a Public Hearing  
pursuant to Section 48-34A of the Zoning Local Law on the  
following Proposition:

Appeal No. 41

Request of Thomas C. & Kathy G. Nucifora

for a VARIANCE of the Zoning Local Law to permit:

existing shed w/ less than the allowable rear yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk  
Regs., Col. G

for property situated as follows:

17 Creamery Drive, New Windsor, N.Y. 12553

known as tax lot Section 28 Block 7 Lot 3.

SAID HEARING will take place on the 34th day of February,  
1997, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia C. Barnhart, Secy.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Thomas & Kathy Nucifora,  
Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

#96-41.

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

and reside at 7 Franklin Avenue, New Windsor, N.Y. 12553.  
On December 11, 1996 / Jan. 23, 1997, I compared the 55 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor. (21)

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
11th day of December 1996.

Mary Ann Hotaling  
Notary Public

MARY ANN HOTALING  
Notary Public, State of New York  
No. 01HO5062877  
Qualified in Orange County  
Commission Expires July 8, 1998

(TA DOCDISK#7-030586.AOS)

563 4630

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
APPLICATION FOR VARIANCE

# 96-41  
Date: 12/9/96

I. ✓ Applicant Information:

- (a) THOMAS & KATHY NUCIFORE, 77 CREAMERY DR 569/320  
(Name, address and phone of Applicant) (Owner)  
(b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)  
(c) \_\_\_\_\_  
(Name, address and phone of attorney)  
(d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance  
☒ Area Variance ☐ Interpretation

✓ III. Property Information:

- (a) CLI 77 CREAMERY DR 78-7-3 155' x 81'  
(Zone) (Address) (S B L) (Lot size)  
(b) What other zones lie within 500 ft.? N/A  
(c) Is a pending sale or lease subject to ZBA approval of this application? NO  
(d) When was property purchased by present owner? OCT '93  
(e) Has property been subdivided previously? NO  
(f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_  
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO  
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>12/16</sup>  
(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. B.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>10'</u>	<u>2'</u>	<u>8'</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

A SHED, 8' X 10', HAS BEEN INSTALLED ON SW CORNER OF OUR PROPERTY. IT IS INSTALLED SAFELY AND IS ATTRACTIVE, IT IS NOT OBSTRUCTING ANY VIEWS FOR ANY NEIGHBORS. THE SHED PROVIDES SAFE STORAGE FOR LAWN EQUIPMENT AND ENHANCES THE PROPERTY VALUE.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) N/A Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) N/A What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_

\_\_\_\_\_

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_, Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

THE SHED IS ENCLOSED BY 5' FENCING. IT IS PLACED  
IN THE CORNER OF OUR PROPERTY.

✓ IX. Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: 12-6-96

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Thomas C. Ducefore  
(Applicant)  
# Kathy L. Muratore

Sworn to before me this

9th day of December, 1996.

Patricia A. Banhart

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

PATRICIA A. BANHART  
Notary Public, State of New York  
No. 01240000000000000000  
Qualified in Orange County  
Commission Expires August 31, 1997.



(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

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**NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.**

**(ZBA DISK#7-080991.AP)**



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

(55)

November 19, 1996

Thomas & Kathy Nucifore  
77 Creamery Drive  
New Windsor, NY 12553

Re: Tax Map Parcel #78-7-3

Dear Mr. & Mrs. Nucifore:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's office.

Sincerely,

*Leslie Cook / cmo*

LESLIE COOK  
Sole Assessor

/po  
Attachments

cc: Pat Barnhart, ZBA

Jurgens James A. & Lisa M. X  
5 Cheddar Lane  
New Windsor, NY 12553

Kinol, Ramon G. & Patricia A. X  
7 Cheddar Lane  
New Windsor, NY 12553

D'Agostini, Angela X  
9 Cheddar Lane  
New Windsor, NY 12553

Romano, Richard & Josephine X  
11 Cheddar Lane  
New Windsor, NY 12553

Patel, Rameshkant B. & Premdasi R. X  
52 Creamery Dr.  
New Windsor, NY 12553

Paternostro, Charles & Michelle X  
54 Creamery Dr.  
New Windsor, NY 12553

Strauss, Daniel B. & Jill X  
56 Creamery Dr.  
New Windsor, NY 12553

Coyne, Stephen M. & Bernadette X  
4 Guernsey Dr.  
New Windsor, NY 12553

Farone, Andrew M. & Jean Marie X  
6 Guernsey Dr.  
New Windsor, NY 12553

Castro, Carlos Jr. & Paula Andino-Castro X  
8 Guernsey Dr.  
New Windsor, NY 12553

Finn, John P. & Mary C. X  
10 Guernsey Dr.  
New Windsor, NY 12553

DeCelestino, Joseph R. & JoAnne X  
14 Cheddar Lane  
New Windsor, NY 12553

Tsang, Terry H. & Wai Ling X  
63 Creamery Dr.  
New Windsor, NY 12553

Organ, Theodore J. & Margaret A. X  
65 Creamery Dr. X  
New Windsor, NY 12553

Brown, Jay E. & Nancy C. X  
67 Creamery Dr. X  
New Windsor, NY 12553

Brunell, William & Donna X  
69 Creamery Dr. X  
New Windsor, NY 12553

Casey, Thomas & Laura X  
71 Creamery dr. X  
New Windsor, NY 12553

Trotman, Michael & Marcella X  
74 Creamery Dr. X  
New Windsor, NY 12553

Roca, Joseph A. & Frances I. X  
72 Creamery Dr. X  
New Windsor, NY 12553

Ierace, Robert & Carol X  
70 Creamery Dr. X  
New Windsor, NY 12553

Marshall, Thomas J. & Lisa Y. X  
68 Creamery Dr. X  
New Windsor, NY 12553

Crosbie, Lynden D. & Patricia Fay-Crosbie X  
66 Creamery Dr. X  
New Windsor, NY 12553

McKenna, William R. & Mary E. X  
64 Creamery Dr. X  
New Windsor, NY 12553

Peterson, Harold R. & Donna L. X  
62 Creamery Dr. X  
New Windsor, NY 12553

Murphy, James P. Jr. & Patricia A. X  
60 Creamery Dr. X  
New Windsor, NY 12553

Benitez, Joseph & Mary Anna  
58 Creamery Dr.  
New Windsor, NY 12553

Farrell, William & Linda  
301 Butternut Dr.  
New Windsor, NY 12553

Bumbaco, Dominick J. & Janice C.  
303 Butternut Dr.  
New Windsor, NY 12553

Uhlmann, Lorraine B.  
305 Butternut Dr.  
New Windsor, NY 12553

Travell, Michael C. & Virginia M.  
307 Butternut Dr.  
New Windsor, NY 12553

Vastano, Rosemary & Salvatore Gigante  
309 Butternut Dr.  
New Windsor, NY 12553

Shukla, Parkash V. & Harini  
311 Butternut Dr.  
New Windsor, NY 12553

Hoffmann, Brian J. & Lisa R.  
313 Butternut Dr.  
New Windsor, NY 12553

Mulder, Donna M.  
315 Butternut Dr.  
New Windsor, NY 12553

Golon, James V. & Diane  
73 Creamery Dr.  
New Windsor, NY 12553

Power, Stephen R. & Eileen C.  
75 Creamery Dr.  
New Windsor, NY 12553

Dunn, Bruce C. Sr.  
79 Creamery Dr.  
New Windsor, NY 12553

Romano, Joseph Jr. & Nelsida  
81 Creamery Dr.  
New Windsor, NY 12553

Baduel, Gary C. & Barbara H.  
4 Custard Court  
New Windsor, NY 12553

Kuhn, Edward D. & Margaret A.  
6 Custard Ct.  
New Windsor, NY 12553

Krom, Cynthia L.  
8 Custard Ct.  
New Windsor, NY 12553

Rodriguez, Luis & Anna Cintron  
10 Custard Ct.  
New Windsor, NY 12553

Briggs, Donald H. Jr. & Sonja R.  
7 Custard Ct.  
New Windsor, NY 12553

Haughey, Thomas J. Jr. & Paquita J.  
5 Custard Ct.  
New Windsor, NY 12553

Peterson, James & Jeannette  
3 Custard Ct.  
New Windsor, NY 12553

White, Anita C.  
1 Custard Ct.  
New Windsor, NY 12553

Megaro, Emilio & Anna  
85 Creamery Dr.  
New Windsor, NY 12553

Soll, Edith  
87 Creamery Dr.  
New Windsor, NY 12553

Samplaski, Peter H. & Joanne  
89 Creamery Dr.  
New Windsor, NY 12553

Dubee, Robert  
312 Butternut Dr.  
New Windsor, NY 12553

Cossavella, Martin & Jean X X  
310 Butternut Dr.  
New Windsor, NY 12553

Eller, Tony R. & Mary Ann X Y  
308 Butternut Dr.  
New Windsor, NY 12553

Morales, Gilbert & Carmen X X  
306 Butternut Dr.  
New Windsor, NY 12553

Carlisle Business Credit, Inc. X X  
147 Hardwood Dr.  
Tappan, NY 10983

Verdeur, Clement J. III & Judith Lynn X X  
302 Butternut Dr.  
New Windsor, NY 12553

Thomas C. Nucifore

Kathy G. Nucifore

77 Creamery Dr. Ph. 914-569-1320

New Windsor, NY 12553

50-235613

219

0232110620

3708

DATE 12-6-96

PAY TO  
THE ORDER OF

Town of New Windsor

\$ 300.00

Three Hundred & 00/100

DOLLARS

THE  
BANK OF  
NEW  
YORK

213 Quansack Avenue  
New Windsor, NY 12553

MEMO ZBA #96-41

SIGNED

Thomas C. Nucifore

00219023521 00232118620 3708

Thomas C. Nucifore

Kathy G. Nucifore

77 Creamery Dr. Ph. 914-569-1320

New Windsor, NY 12553

50-235613

219

0232110620

3709

DATE 12-6-96

PAY TO  
THE ORDER OF

Town of New Windsor

\$ 50.00

Fifty & 00/100

DOLLARS

THE  
BANK OF  
NEW  
YORK

213 Quansack Avenue  
New Windsor, NY 12553

MEMO ZBA #96-41

SIGNED

Thomas C. Nucifore

00219023521 00232118620 3709



Standard N.Y.B.T.U. Form 8002-2-73-Bargain and Sale Deed with Covenant against Grantor's Acts- Individual or Corporation (single sheet)

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.**

THIS INDENTURE, made the <sup>Ta</sup> 20 day of October nineteen hundred and ninety-three

BETWEEN TIMOTHY C. BISCHOFF and LORRAINE M. BISCHOFF, husband and wife,  
residing at 77 Creamery Drive, New Windsor, New York 12553

<sup>C.</sup>  
party of the first part, and THOMAS NUCIFORE and KATHY G. NUCIFORE, husband and wife,  
residing at 13 Valley View Drive, New Windsor, New York 12553

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of NEW WINDSOR, County of Orange and State of New York, bounded and described as follows:

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

PREMISES ARE NOT SUBJECT TO A CREDIT LINE MORTGAGE.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

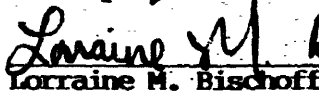
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

LIPER 4062 PAGE 62

  
Timothy C. Bischoff

  
Lorraine M. Bischoff

STATE OF NEW YORK     )  
                                  )SS:  
COUNTY OF ORANGE     )

On the 20<sup>th</sup> day of October, nineteen hundred and ninety-three  
before me personally came Timothy C. Bischoff  
to me known to be the individual(s) described in and who executed  
the foregoing instrument, and acknowledged that he executed  
the same.



NOTARY PUBLIC

**EDMOND V. CIFLICKI, JR.**  
NOTARY PUBLIC, STATE OF NEW YORK  
SUFFOLK COUNTY No. 4517458  
MY COMMISSION EXPIRES APRIL 30, 1994

STATE OF NEW YORK     )  
                                  )SS:  
COUNTY OF NASSAU     )

On this 14<sup>th</sup> day of October, nineteen hundred and  
before me personally came \_\_\_\_\_ to me known, who  
being by me duly sworn, did depose and say that he resides in  
\_\_\_\_\_ and that he is the  
of \_\_\_\_\_ the corporation described in and  
which executed the foregoing instrument; and that he signed his  
name thereto by like order.

NOTARY PUBLIC

STATE OF NEW YORK)

)ss:

COUNTY OF NASSAU )

On the 14<sup>th</sup> day of October, nineteen hundred and ninety-three, before me personally came LORRAINE M. BISCHOFF, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

*Carol Hartney*  
Notary Public

CAROL HARTNEY  
NOTARY PUBLIC, State of New York  
No. 4855902  
Qualified in Nassau County  
Commission Expires May 25, 1995

RECORD AND RETURN TO:

Jerald Fiedelholz, P.C.  
P.O. Box 4088  
270 Quassaick Avenue  
New Windsor, New York 12553-0088

LIBER 4062 PAGE 63

# OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

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## SCHEDULE A

Title #AA931137

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly line of Creamery Drive, said point being the northwesterly corner of Lot #30 and the northeasterly corner of Lot #29, Lot #29 being the parcel hereafter described, both lots as shown on a certain map entitled "Butter Hill-Section 4B", said map filed in the Office of the Orange County Clerk, May 23, 1985 as Map #7075, thence from said point of beginning along the westerly line of the aforementioned Lot #30, South 16 degrees 20 minutes 54 seconds East, 155.00 feet to a point, thence along lands now or formerly of the Town of New Windsor, South 73 degrees 39 minutes 06 seconds West, 81.00 feet to a point, thence along the easterly line of Lot #28 as shown on the above referenced map, North 16 degrees 20 minutes 54 seconds West, 155.00 feet to a point on the southerly line of Creamery Drive, thence along the road line North 73 degrees 39 minutes 06 seconds East, 81.00 feet to the point of beginning.

LIBER 4062 PAGE 64

Date ~~10~~ 11/4/96, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Ruth 147 Syamue Dr DR.

New Windsor Ny 12553

DATE

CLAIMED

ALLOWED

11/2/96	Zoning Board Mtg	75.00		
	Misc - 2			
	<del>Misc - 5</del> 22.50			
	Andrews - 4			
	Royal Pools - 9			
	Gottsch - 8			
	Panella - 3			
	<u>300</u>	139.50		
		214.50		

PRELIMINARY MEETING:

**MR. NUGENT:** Request for 7 ft. rear yard variance for existing shed located at 77 Creamery Drive in a CL-1 zone.

Mr. Thomas Nucifore appeared before the board for this proposal.

**MR. NUCIFORE:** Good evening, apparently I misunderstood the instructions I was given earlier this year when I put the shed in and I was advised by someone to bring some photos in to share with you.

**MS. BARNHART:** That is me.

**MR. NUCIFORE:** When I originally called, I was told to keep it ten foot from the property line, I took that instruction as being my neighbor's property line, my back yard touches the town property down in Butterhill and when I actually put the shed in place, I put it in place about two foot from the town property line. To be specific, it's ten and a half feet from my neighbor's line but only about two feet and a couple inches from a large field at Butterhill so I would admit that I am probably at fault for just not clearly understanding those instructions that I got earlier this year, but if, you know, just take a look at these photos, you can see that it is first of all tastefully installed. There is nothing offensive about it. All of the property is guarded by a five foot high fence, that would keep any children from tampering with the whole thing. It's near the large field in Butterhill where it's really not seen by a whole lot of people and it's not causing me any problems with my neighbors. There's no one objecting to it being so close to that large field down in Butterhill. So I would appeal to you to hopefully grant this request of about an eight foot variance where it borders the town property.

**MR. KANE:** Is that the playground behind Butterhill?

**MR. NUCIFORE:** Yes, right.

MR. TORLEY: Is this sitting in wooden sleepers?

MR. NUCIFORE: No, concrete blocks.

MR. TORLEY: Concrete foundation or blocks?

MR. NUCIFORE: Resting on concrete blocks that were put in the ground to level it.

MR. KANE: What would you estimate the weight of this to be?

MR. NUCIFORE: I was told it's about 1,200 pounds that is what I was told when I purchased it. My dilemma right now is I have got it wired up for electrical power inside the shed that I use during the winter months, that is what I am up against right now and it was all put underground when I put the shed in.

MR. KANE: Is the electric wiring to code?

MR. NUCIFORE: Yes, I had a licensed electrician do it, he did the work.

MR. KANE: Through a permit with the town?

MR. NUCIFORE: To my knowledge, yes.

MR. REIS: Does it create any kind of runoff or water problem, anything like that?

MR. NUCIFORE: No, it's only an 8 x 10 shed, just a small utility shed.

MR. KANE: Other properties in the area have similar situations in sheds that they are using?

MR. NUCIFORE: Yes.

MR. KANE: Would it be economically feasible for you to move the shed to the proper distance from the property line?

MR. NUCIFORE: It would but it would kind of like



really set off my back yard, it would be up towards the middle of the yard, if I brought it in the additional footage and my plans for 1997 is to put a pool in and all of a sudden, I have got a little bit of an interference there.

MR. NUGENT: Any further questions?

MR. TORLEY: Remind you about moving it cause it's going to cost you some money to pursue the variance.

MR. LANGANKE: What prompted your appearance here?

MR. NUCIFORE: When I called, I guess I didn't fully understand the instructions to actually get it, I started dialogue with someone over the phone, that is where all this information came from, that is where I knew I had a little bit of a problem.

MR. LANGANKE: So you were trying to obtain a permit through the legal channels and this determined that you were in violation?

MR. NUCIFORE: Right.

MR. KANE: With the placement of the shed back there, what size pool are you thinking of putting?

MR. NUCIFORE: 12 x 15.

MR. KANE: And it has to be 40 feet off the back property line, 12 from the sides or can that be 12 all the way around in Butterhill?

MR. BABCOCK: 12.

MR. KANE: 12 all the way around?

MR. BABCOCK: Right, as long as the deck's not attached to the house.

MR. NUCIFORE: Deck is attached to the house.

MR. BABCOCK: The deck for the pool, if you put a deck around the pool.

MR. KANE: If you moved that in, would that make it closer to your pool where it might create a health hazard with anybody climbing on that and giving them access to the pool?

MR. NUCIFORE: Yes, the way I measured it, it would almost be touching it where the corner of the pool would be.

MR. BABCOCK: We just need to change some numbers apparently, my office understood that it was three feet from the property line, we just want to make sure you get the right numbers.

(Whereupon, Mr. Krieger entered the room.)

MS. BARNHART: Mike, do you want to change the numbers?

MR. TORLEY: Double check your differences, if you ask for two foot six inches, and it turns out you need a three foot variance, you have to start the whole thing over again.

MR. NUCIFORE: Let me check and I'll call and give you the exact number.

MR. BABCOCK: Right.

MR. NUCIFORE: Let me doublecheck and I'll call.

MR. KANE: When you come in for a public hearing, you might want to make a schematic of where you are going to place the pool so we can see that in correlation to where the shed is cause that might carry a little weight.

MR. BABCOCK: I think what we can do is once we hear from him, we'll send you a new, doesn't matter, we may as well get the footage correct so the paperwork is all the same.

MR. NUGENT: Okay, any further questions? I'll accept a motion.

October 28, 1996

6

MR. TORLEY: Move we grant, set up Mr. Nucifore for a public hearing in regard to his requested variance.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: Here's your paperwork.

MR. KRIEGER: Sir, those are criteria that the law requires the zoning board to consider in considering an application, so if you would address yourself to those when you do the public hearing, that would be helpful.

MR. NUCIFORE: Very good.

MR. KRIEGER: I want to look at the deed and title policy, I don't need to keep them, don't need copies, just bring them with you.

MR. NUCIFORE: Thank you, everyone, I appreciate it.

#1 ZBA 9-9-96

~~NO SHOW~~ Applicant cancelled

#2 ZBA 10-28-96

SET UP FOR P/H

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

(Amended)

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

AUGUST 16, 1996

APPLICANT: THOMAS NUCIFORE  
77 CREAMERY DRIVE  
NEW WINDSOR, N.Y. 12553

(452-3421)

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED:

FOR (BUILDING PERMIT): EXISTING SHED

LOCATED AT: 77 CREAMERY DRIVE

ZONE: CLI

DESCRIPTION OF EXISTING SITE: SECTION: 78, BLOCK: 7, LOT: 3  
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YARD SET-BACK FOR EXISTING SHED.

*David J. Jiri*  
BUILDING INSPECTOR

# REQUIREMENTS

PROPOSED OR  
AVAILABLE

VARIANCE  
REQUEST

ZONE: CLI USE 48-14 A-1-B

REQ'D REAR YD. 10FT.

*2' from Amended 10-25-96*

*8' from Amended 10-29-96*

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT 914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

MIN. LIVABLE AREA

DEV. COVERAGE

%

%

%

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT: [REDACTED] TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

*914) 563-4630*

CC: Z.B.A., APPLICANT, B.P. FILE

